

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-v- : 15cr711 (DLC)
:
ANGEL FIGUEROA, :
: Defendant. :
:
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DENISE COTE, District Judge:

Angel Figueroa has moved for compassionate release under Title 18, United States Code, Section 3582(c)(1)(a). For the following reasons, the motion is denied.

Figueroa pleaded guilty on April 1, 2016 to a single count of conspiracy to commit Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951. He was sentenced to 120 months' imprisonment on October 7, 2016 and is incarcerated at Federal Correctional Institution Schuylkill. He is sixty years old and his anticipated release date is August 20, 2024.

Figueroa requested compassionate release from his warden on June 14, 2021, but his request was denied on July 2, 2021. He then filed the current motion for compassionate release.¹ Since Figueroa exhausted his administrative remedies by unsuccessfully requesting compassionate release from his warden, the Court may

¹ The motion is dated August 2, 2021, and it was received and docketed by this Chambers on August 5.

reduce his sentence if "extraordinary and compelling reasons" warrant a sentence reduction, 18 U.S.C. § 3582(c)(1)(A)(i). In analyzing a motion for compassionate release, the Court may "independently . . . determine what reasons . . . are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If Figueroa has shown "extraordinary and compelling reasons" for compassionate release, the Court must then find that the sentencing factors set forth in 18 U.S.C. § 3553(a) weigh in favor of compassionate release.

Figueroa's motion for compassionate release is denied because he has not presented an extraordinary and compelling reason for compassionate release. In support of his motion for compassionate release, Figueroa cites as extraordinary and compelling circumstances the COVID-19 pandemic, his age and underlying chronic medical conditions, and the risks of continued incarceration given COVID-19 and his preexisting conditions. But medical records filed in conjunction with his motion indicate that his health condition is stable, and that he has already contracted and recovered from COVID-19. The Bureau of Prisons has also made COVID-19 vaccinations available to inmates and staff, further reducing Figueroa's risk related to COVID-19. See COVID-19 Vaccine Implementation, Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited August

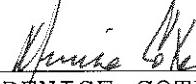
20, 2021). Figueroa's risk of contracting COVID-19 given his age and underlying health conditions therefore does not qualify an extraordinary and compelling circumstance.

Even if Figueroa had demonstrated extraordinary and compelling circumstances, the § 3553(a) factors weigh against his release. Figueroa was convicted of a grave violent crime: he conspired to commit an armed robbery that involved the impersonation of a police officer. During the robbery, the victim was shot and injured. While Figueroa was incarcerated prior to trial in this matter, he threatened to retaliate against a cooperating witness. Figueroa also has a lengthy criminal history. The Court accounted for Figueroa's age when it imposed a sentence in 2016, and given Figueroa's offense conduct and criminal history, considerations of public safety and appropriate deterrence weigh against a sentence reduction. Accordingly, it is hereby

ORDERED that Figueroa's motion for compassionate release is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Figueroa a copy of this Order and note mailing on the docket.

Dated: New York, New York
August 20, 2021


DENISE COTE
United States District Judge